

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE NO. 2:25-cv-01018-GJP

JOUREY NEWELL, *individually and on
behalf of all persons and entities similarly
situated,*

Plaintiff,

v.

LENDVIA LLC

Defendant.

**DECLARATION OF KASHIF ALI IN SUPPORT OF DEFENDANT LENDVIA LLC'S
MOTION TO DISMISS**

I, Kashif Ali, declare:

1. I am over the age of eighteen (18) years. I submit this declaration in support of Defendant LendVia LLC's (hereinafter "LendVia") Motion to Compel Arbitration. The matters set forth below are based upon my personal knowledge and, if called to testify as a witness, I could and would competently testify thereto.

2. I am and was the Operations Manager of Verified Consent at all times relevant to the facts stated herein. In this role, I am familiar with Verified Consent's business practices and records, including the certificates and lead records it generates and maintains.

3. Verified Consent is a third-party service provider that offers consent verification services for online marketing. Verified Consent provides independent documentation of a consumer's interaction with a website, including the date, time, IP address, website URL, and a live recording of the playback of the online form being filled out. Verified Consent can verify that a consumer visited a specific webpage and took specific actions, such as submitting a form.

4. When a consumer visits a webpage that utilizes Verified Consent's service, the recording process begins automatically once an individual begins filling out the form and ends once

that form is submitted.

5. One of the websites that utilized Verified Consent's services is <https://upfinances.com/apply> (the "Website").

6. I have personally reviewed Verified Consent's records related to the lead generated for Plaintiff Jourey Newell and the phone number ending in 4132. These records show that on December 8, 2024, Plaintiff visited the Website, entered his personal information and phone number, and clicked the "Submit" button, completing the form submission process.

7. A Verified Consent certificate documenting this interaction was automatically generated at the time of submission. This certificate includes a video replay of Plaintiff filling out and submitting the form, as well as the metadata verifying the date, time, IP address, and website URL.

8. At the time Plaintiff submitted the form, the Website displayed the following disclosure directly above the "Submit" button:

By checking this box and clicking SUBMIT, I express my understanding and consent electronically via E-sign that I acknowledge and agree to the Privacy Policy and Terms of Use, which includes binding arbitration. I consent to the electronic collection and storage of my application information necessary to evaluate my loan application. I grant express written consent for Better Debt Solutions and Lendvia to contact me by calls and/or text messages at the number provided, regarding my application status and scheduling, using any telephone dialing system, prerecorded/artificial voice messages, and/or automatic dialing devices. I understand that text messages may incur data and message rates and frequency varies (text HELP for help; text STOP to cancel). Even if my phone number is currently listed on any state, federal, or corporate Do-Not-Call list, this consent is provided. I understand I may revoke this consent at any time and am not required to consent as a condition of purchasing any property, goods, or services. Consent for SMS and calls will not be shared with third parties for their marketing purposes.

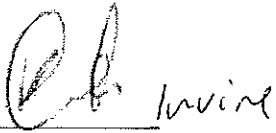
9. This disclosure included hyperlinks to the Privacy Policy and Terms of Use, which it states contains a binding arbitration agreement. The hyperlinks were displayed in blue underlined text, making them conspicuous to the user.

10. The Verified Consent certificate serves as immutable proof that Plaintiff visited the

Website, reviewed this disclosure, and affirmatively agreed by submitting the form. The certificate confirms that Plaintiff provided express written consent to be contacted and agreed to the Website's Terms of Use, including the arbitration provision.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 22, 2025 at



KASHIF ALI

Operations Manager of Verified Consent